THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.18792 of 2007
Date: 19-09-2007

Between:
B.Rajya Lakshmi and another

Petitioners

And

The Station House Officer,
Yemmiganoor Police Station,
Kurnool District and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.18792 of 2007

ORDER:

1. The petitioners claim that they are both majors and that they have developed immeasurable liking for each other and as a consequence have decided to get married and lead a happy and peaceful life. Since this idea of the petitioners getting married is not to the liking for the parents of the first petitioner herein, it is asserted by the petitioners that they have voluntarily walked out of their home on 23-04-2007. The petitioners also assert that they have been married to each other and are leading a peaceful life. But however, the father of the first petitioner herein appears to have lodged a complaint against both of them with the first respondent- Station House Officer at Yemmiganoor Police Station in Kurnool District. The petitioners suspect that if they were to go back to Yemmiganoor , the place where they hail from, they will be subjected to acts of physical violence and intimidation and consequently, they apprehend risk and danger to their life and liberty. The petitioners, in fact, assert that enraged by the decision of the petitioners to get married and thus walking out of the home, the father of the first petitioner had already unleashed terror at a relative's place of the second petitioner at Yemmiganoor.

2. These are all questions of fact which are liable to be ascertained by the State's Police machinery as part of their investigating process. When a cognizable offence is said to have been committed, the Police machinery is bound to swing into action and investigate the matter, but

the investigation process should be fair, reasonable and must be in a position to inspire confidence in the minds of those who are likely to be affected one way or the other. In fact, in somewhat similar circumstances, this court by it's judgment dated 08-02-2007 in Writ Petition No. 2083 of 2007 has held as under:

> **" Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent-Station House Officer, Emmiganoor Police Station, Kurnool District, to enquire into the matter and get their statements recorded by the concerned Magistrate under Section 164 Cr.P.C. Till their statements are recorded and investigation is completed, the petitioners shall not be arrested and they shall be given necessary police protection".**

2. While respectfully agreeing with the view expressed by my learned brother, I direct the first respondent-Station House Officer, Yemmiganoor Police Station, Kurnool District, to enquire in to the matter pursuant to the F.I.R. 64 of 2007 dated 23.04.2007 and get the statements of the petitioners recorded by the Magistrate concerned under Section 164 Cr.P.C. Till such statements are recorded and investigation is completed, the petitioners shall not be arrested and they shall be provided with the necessary protection from any suspected bodily or otherwise injuries from any one.

3. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

19-09-2007

Note:

C.C. in two days.b/o.Stp